

EXPRESS MAIL NO.: EL 451 600 441 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dasseux, et al.

Confirmation No.: 9219

Application No.: 09/465,718

Group Art Unit: 1631

Filed: December 17, 1999

Examiner: Borin, M.

For: APOLIPOPROTEIN A-I AGONISTS
AND THEIR USE TO TREAT
DYSLIPIDEMIC DISORDERS

Attorney Docket No.: 9196-018-999

TERMINAL DISCLAIMER FEE SHEET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$110.00. Please charge the required fee and any other necessary fees, fees under 37 C.F.R. §1.17 and all required extension of time fees, or credit any overpayment, to Pennie & Edmonds LLP, U.S. Deposit Account No. 16-1150 (Order No. 9196-018-999). A copy of this sheet is enclosed for accounting purposes.

Date: June 11, 2003

Respectfully submitted,


Rahul Pathak 42,983
(Reg. No.)
For Laura A. Coruzzi (Reg. No. 30,742)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

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TERMINAL DISCLAIMER

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Sir:

Jean-Louis Dasseux, Renate Sekul, Klaus Büttner, Isabelle Cornut, Günther Metz, and Jean Dufourcq (hereinafter "Owners"), represent that they are the owners of the above identified application and of U.S. Application No. 09/453,833.

The Owners hereby disclaim the terminal part of any patent granted on the present application which would extend beyond the expiration date of U.S. Application No. 09/453,833.

The Owners hereby agree that the above identified application shall be enforceable only for and during such period that the legal title to the corresponding patent shall be the same as the legal title to U.S. Application No. 09/453,833. This agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, the Inventors do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by sale ref. 09465718 161150 09465718 terminal disclaimer, of U.S. Application Nos. 09/453,833 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is

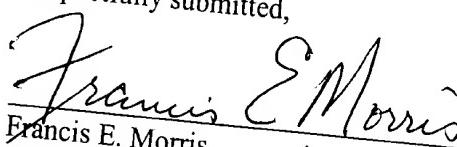
otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge the Statutory Disclaimer fee of \$110.00 required pursuant to 37 C.F.R.1.20(d) and any other fee associated with the filing of this document to Pennie & Edmonds LLP Deposit Account No. 16-1150 (Order No. 9196-018-999).

The undersigned is an attorney of record.

Respectfully submitted,

Date: June 11, 2003


Francis E. Morris 24,615
PENNIE & EDMONDS, LLP (Reg. No.)
3300 Hillview Avenue
Palo Alto, CA 94304
(650) 493-4935

SUBJECT: DECISION ON TERMINAL DISCLAIMER INFORMAL FORM

DATE: 8-20-03

TO EXAMINER: M. Borin

MOSE MONTGOMERY ROOM 11E18

APPL. S.N.: 091465,718

ART UNIT: 16.31

MAILROOM DATE 8-11-03

AFTER FINAL YES NO

NUMBER OF T.D(S). FILED _____

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE IN LEFT IN FILE.

MP
8-20-03 The T.D. is PROPER and has been recorded. (See 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).

The recording fee of \$_____ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)

Application Examiner has not processed T.D. fee. (See fee authorization).

The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).

The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).

It is directed to a particular claims(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).

The person who signed the terminal disclaimer:

has failed to state his/her capacity to sign for the business entity. (See 14.28).

is not recognized as an officer of the assignee. (See 14.29 and possibly 14.29.01).

No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).

No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).

The T.D. is not signed. (See 14.26, 14.26.3) or 14.26.03 if TD is not signed by all the owners.

Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).

The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).

The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed) is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).

The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3) (For Samples 14.27.04 and 14.27.05)

Other: _____

Suggestion to request refund of \$_____. (See 14.35, 14.36).

EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALITIES MAY BE FAXED IN TO THE GROUP

FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:

- Sample of a TD over a pending application and assignee Certificate (See 14.37).
- Sample of a TD over a prior patent and assignee Certificate (See 14.38).
- Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)